Case Number (5)

S. Ct. 88-2078

IN THE

United States SUPREME Court

Supreme Court, U.S.
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PETITIONER'S REPLY TO RESPONDANT'S BRIEF

JOHN G. BARROW JR.
Plaintiff - Appellant - Petitioner
vs.
N. G. LUND et. al.
Defendant - Appellee - Not a Respondant

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT
ATLANTA, GEORGIA

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2109

IN THE SUPREME COURT OF THE
UNITED STATES
WASHINGTON, D.C.

JOHN G BARROW JR

Plaintiff-Appellant-Petitioner

VS. S.Ct. 88-2078

N.G. LUND, et. al,

Defendants-Appellees- Respondents

* *

PETITIONERS REPLY TO
RESPONDENTS BRIEF

##

1) Respondent initially attempts to pull the wool over the eyes of this Honorable Supreme court by his " QUESTION PRESENTED"

Quote: " Whether the Circuit Court of Appeals properly affirmed the trial courts order dismissing Petitioners complaint"

a) This question has no relevancy to the District Courts raping of Fed. R. Civ. P. Rule 7(a). For this reason, This decision is in conflict with other decisions of other courts on the same identical matter.

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(b)
The District Courts denial of a trial when there was dozens of issues to be tried is a departure from accepted and usual course of proceedings, and does rape the Lady Justice.

c) For Harold Wahl's Bar Brothers in the 11th Circuit to dogmatically sanction such a departure of the accepted and usual course of proceedings is proof postive of corruption, personal interest in the outcome , use your own verbage.

d) This indisputably calls for an exercise of the Supreme Courts Power of Supervision.

In addition thereto the Court of First instance breached the Federal Rules of Civil Procedure by not defaulting the Respondents because of their refusal to file a responsive pleading. This is also the Sanction by the 11th Circuit, of the District Courts departure from accepted and usual course of proceedings.

2) If this Brief in response, presented by Miller was in fact filed by the Clerk of this Supreme Court then in that event, said Clerk has breached S.Ct.Rule 33.7. This instrument the " Brief In Opposition" of N.G. Lund et. al. is not in compliance with S. Ct. Rule 33.1(b) as this Document is not printed on both sides of the page. If the Respondent stands so tall that the Rules of the Supreme Court of the United States does not apply to the Respondent -- If the Clerk does not abide by Rule 33.7 then this is an act of discrimination by this Supreme Court itself.

3) If the Clerk has refused the filing by the Respondent because of non-compliance to Rule 33.1 (b) " Printed on both sides of the page then Petitioner , should be so advised.

4) In the Defendants Motion to Dismiss Page 5 of his Appendix to Brief In Opposition he states:

" Defendants' understanding of the complaint is that the Plaintiff has alleged that Rule 10D-6 Florida Administrative Code, is either an unlawful delegation of legislative authority and/or that the Defendants' use of Rule 10D-6 F.A.C. has caused damage to the Plaintiff, and that rule 10D-6 is ambiguous, unreasonable, capricious and arbitrary and he has been damaged by said rule".

a) The unlawful delegation of legislative power.

b) Has caused damage to Plaintiff

c) Amiguous

d) Unreasonable

e) Capricious

d) Arbitrary

f) And he has been damaged by said rule

Each of the Seven a) thru f) are a Cause of Action.

Seven Seperate Causes of Action should be determinative;

In American Fire and Casualty Co v Finn 71 S Ct 534 this Supreme Court Holds

"Generally, " a cause of action" does not consist of facts, but an unlawful violation of a right which facts show."

5) The unlawful violation of the litigants right is the cause of action and is not required to be in the exact verbage that might be used to the liking of the defendant.

6) Federal Rules of Civil, Procedure Rule 7(a) an answer is for the purpose of working some of the misunderstandings out. However, it was to the personal interest of the Court in the outcome of this $140,000.00 extortion to grant the Motion to Dismiss, with all of the Defendants understanding, yet not tried.

7) The Tjoflat and Hatchett Court knows all of the above yet so far Tjoflat and Hatchett et.al. 11th Circuit have sanctioned this departure from the accepted and usual course of judicial proceedings beyond doubt because of $140,000.00 in American Terrorism .

8) On page 5, of Respondents Brief he Alleges Quote:

" He has interwoven the issues of those other cases into this cause"

9) The Cause of Action that respondent alleges to not exist.

For the Courts satisfaction and pleasure please refer to the Petitioners Appendix d-1,d-4, d-22 thru d-25 and e-1 thru e-17, you will learn that it is the San-(fee) ction/grabbing District Court that is repugnant to Edwards v DuPonte, consolidated to quote Hodges, " All of these cases". It is the collusion of "the Wheel Within A Wheel Mob" that has woven and interwoven " all of thses cases" into a maze of Jungle of Giration to make impossible the adjudication of the seperate issues of the seperate causes of action.

9) The Respondent is not only lying through his teeth but he also sounds just like I would if I were to tell a filthy lie ,when Respondent makes the remark page 6 ?

Quote: " It appears a number of attorneys

have already advised Petitioner of his meritless cause"

If Respondent can prove this filthy lie, Petitioner will withdraw his action. All attorneys did adivse, is that those that did respond "that their Public Relations would not stand the pre-trial publicity" of the Reed Case. The case where the State took Judge Hatchett's people's house, hanging the blame on this Petitioner.

10) The Respondent comes on again with his Rule 21.5 " Accuracy, brevity or clearness"

Petitioners pleadings are plain and simple enough that;

" Defendants understanding of the Complaint is that the plaintiff has alleged that Rule 10D-6 Florida Administrative Code, is either an unlawful delegation of legislative authority and/or that the defendant' use of Rule 10D-6 F.A.C. has caused damage to plaintiff; and that Rule 10D-6 is ambiguous, unreasonable, capricious and arbitrary. and he has been damaged by said rule"

Does the Respondent wish to be spoon fed ?

11) Page 7 of Respondents Brief,the Respondent becomes bent all out of shape

because of Quote:

" The State of Florida has provided a Conperhensive remedical scheme under chapter 120 Florida Statute"

This is purely a Crock of Manure. As

proof please see 81 Supreme Court 473

in Monroe v Pape and 42 U.S.C.A. § 1983.

" Under statute making every person who, under color of any state statute, ordinance, regulation. etc. deprives any citizen of the United States of his constitutional rights liable to party injured. federal remedy is supplementary to the state, and state remedy if any, need not be first sought and refused before federal one is invoked. 42 U.S.C.A. § 1983

" Allegations of facts constituting a deprivation under color of state authority of right guaranteed by Fourteenth Amendment satisfy requirements of statute making any person who, under color of state statute, ordinance, etc deprives any citizen of his constitutional rights liable to party injured" U.S.C.A. Const Amends 4,14; S.H.A. ILL Const art 2 § 6 42 U,S.C.A. s 1983

" One reason for passage of federal statute providing that every person who, under color of any state statute, ordinance, custom etc deprives any citizen of the united States of his constitutional rights is liable to party injured was to afford a federal right in federal courts where, because of passion. prejudice, neglect, intollerance

or otherwise, state laws might not be enforced and claim of citizen to enjoyment of rights, privileges and immunity guaranteed by Fourteenth Amendment might be denied by state agencies" — 42 U.S.C.A. § 1983 U.S.C.A. Const Amend. 14.

The THIRD aim was to provide a federal remedy where the state remedy though adequate in theory was not available in practice"

" This section gives to any person who may have been injured in any of his rights, privileges or immunities of person or property, a civil action for damages against the wrongdoer in the Federal Courts".

" It authorizes ANY PERSON who is deprived of any right, privilege or immunity secured to him by the Constitution of the United States, to bring an action against the wrongdoer in the Federal Courts, and that without any limit whatsoever as to the amount in controversy. The deprivation may be of the slightest conceivable character, the damages in the estimation of any sensible man may not be five dollars or even five cents. they may be what lawyers call merely nominal damages; and yet by this section jurisdiction of that civil action is given to the Federal Courts instead of its being prosecuted as now in the courts of the States"

" It is no answer that the State has a law which if enforced would give relief. The federal remedy is supplementary to the state remedy and the latter need not be first sought and refused before the federal one is invoked"

" In an opinion written by Mr Justice (later Chief Justice) Stone, in which Mr Justice Roberts, Mr Justice Reed and Mr Justice Frankfuter joined the court ruled; " Misuse of power possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken ' under color of' state law"

" That view of the meaning of the words ' under color of' state law, 18 U.S.C. § 242 18 U.S.C.A. § 242"

12) We now turn to Petitioners Appendix

b-19 observing Statutory Grounds. 28 U.S.C

C.A. § 1343 - R.S. 1979 invasion of

Rights redress assured, read against

a back ground of;

" Moreover, § 1979 provides a civil remedy while in Screws case we dealt with a criminal law challenged on the ground of vagueness. Section 1979 should be read against the background of tort liablilty that makes a man responsible for the natural consequences of his actions"

" There is now relief afforded by a review in the Federal Courts. Since the 14th Amendment forbids any State from making or enforcing any law abridging these privileges and immunities as you cannot reach the legislature, the injured party should have an original action in our Federal Courts so that by injunction or by recovery of damages he could have relief against the party who under color of such law is guilty

of infringing his rights. As to the civil remedy no one, I think can object"

" Under the present Constitution how ever, in regard to those rights which are secured by the fourteenth amendment they are not left as the right of the citizens in reguard to laws impairing the obligation of contracts was left, to be disposed of by the courts as the cases should arise between man and man, but Congress is clothed with the affirmative power and jurisdiction to correct the evil.
" I think there is one of the fundamental one of the great, the tremendous revolutions effected in our Government by that article of the Constitution. It gives Congress affirmative power to protect the rights of the Citizen".

Let not John Miller , run down, low rate and degrade the Power to handle the States atrocities.

A Federal Camel can always sleep in a State Tent.

Mr Miller rants and pants on page 1 of his Brief about failed to allege any deprivation of life, liberty and property by someone acting under color of law, then Mr Miller turns one hundred eighty degrees 180°, on page 5 of his Appendix by admitting ;

Defendants' understanding of the complaint is that plaintiff has alleged that Rule 10D-6 Florida Administrative Code is either an unlawful delegation of legislative authority and/or that the Defendants' use of Rule 10D-6 F.A.C. has caused damage to the plaintiff, and that Rule 10D-6 is ambifuous, unreasonable, capricious and arbitrary and he has been damaged by said rule"

Every facet of his Response is a controdiction of his own allegations. Petitioner asks Mercy for the Respondents Brief. Respondent is to be pittied,not censured. It is the opinion of this Petitioner that the 11th Circuit deserves no pitty as they have all of the entire record.

The 11th Circuit committed a dastardly act by their sanctions of Hodges departure from accepted and usual compliance with Federal Rules of Civil Procedure Rule 7(a) , Rule 8 and Rule 8(d) and 8)f).

If Mr John Miller wants to tell the truth as God Almighty knows the truth to be,this Petitioner cannot get legal representation because of Hodges,Judge Handling Wahl, Tjoflat and Hatchett's Jacksonville personal

interest. Ex partners and present connections causing conflict of interest. No, Miller pulls no wool over this Petitioners eyes.

The above facts do call for an exercise of this Courts Power of Supervision. Every facet of this action is a Federal Matter which -- decided many important Federal questions of Federal law by this affirmance of the corruption of the Hodges Court and the Tjoflat/Hatchet Court. This entire record should be settled by the United States Supreme Court if for no other reason because of lack of adjudication againmst the Background of Monroe V Pape 81 S Ct 473.

Mr John Miller is as mixed up and fuzzed up in his own mind , the same is as is the Godfathers of the " Wheel Within A Wheel" sitting on the 11th circuit Court of Appeals. Mr Miller in his Brief and the Appendix disputes almost every one of his erroneous

allegations alleged by his arguments scattered throughout each of his instruments.

THE 11th CIRCUIT COURT OF APPEALS

Judge Tjoflat, Judge Johnson and Judge Hatchett in their affirming the decision of Schlesinger's erroneous allegations, couched on his own say-so admitted that they, the 11th Circuit did not understand all that they knew, which was nothing.

a) They did not understand --- "the judgment does not indicate."

b) They had no evidence and

c) They had no reason on which to couch their affirmance of the lower courts departure from accepted and usual course of judicial proceedings.

d) The 11th Circuit merely affirmed Schlesingers erroneous allegations what ever they were -- and what they were was not -- known to the Honorable 11th Circuit Judicial Panel.

e) Because of the 11th Circuits be-fuddlement of what ever the Schlesinger decision delivered to Hodges,who knew even less may have been the Great Judges Tjoflat and Judge Johnson and Judge Hatchett did in the name of justice affirm blindly Schlesingers heinously false allegations. The affirmed decision of the 11th Circuit was cottoned to that which they did " Construe" NOT BY ANY JUDICIAL WISDOM or by any other accepted and usual course of judicial proceedings. See Petitioners Appendix to Petition Page c-2.

IN THE UNITED STATES DISTRICT COURT

1) Based upon none of the Appellants pleadings.

2) Having heard not one issue.

3) Adjudicating not one of the issues that has arisen.

4) One Harvey E Schlesinger did decide

a) All of the Federal Questions.

b) All of the issues on his own "say-so"

c) And did decide all relevant matters supplying his own evidence which is a departure from the accepted and usual course of proceedings.

5) One Federal Judge Hodges whom Petitioner has never seen and neither did Judge Hodges or Schlesinger have before him .

6) Then came the 11th Circuit who like Schlesinger and Judge Hodges did receive NO evidence and can give no judicial reason and does not have any jurisdiction of the subject matter because Judge Hodges or Schlesinger had NO one before them and the Wise Old Tjoflat, Johnsom, and Hatchett did sanction Schlesingers departure from the accepted and usual course of judicial proceedings.

In the District Court Judge Hodges the decisionmaker, using Schlesinger to handle the dirty stick and using Schlesingers erroneous and sleazy allegations as a

substitute for the Plaintiffs complaint did put on record in written form his reason for his decision.

a) The plaintiffs written objection.

b) Hodges " Consideration" with no evidence presented or allowed to be presented as there has been no hearing HAD.

c) And "due consideration" 250 miles --- distant, Hodges has had no one before him, wherefore he has no jurisdiction of the person and this eleminates and forecloses upon jurisdiction of the subject-matter.

All of Hodges Jazz does constitute a departure from the accepted and usual course of judicial proceedings and the 11th Circuit court of Appeals has so far sanctioned all of Hodges romance and departure in the lower court.

The Chain reaction of Schlesingers no evidence and no reason to rely upon which in turn gave Hodges no evidence and no reason to rely upon which in turn gave

Tjoflat, Johnson and Hatchett absolutely no evidence and no reason to rely upon in making their decision.

If this Supreme Court of these United States will or will not exercise this Courts Power of Supervision, does face this Supreme Court.

The World anxiously awaits your Wise Decision.

AFFIDAVIT OF GOOD FAITH

Now Comes JOHN G BARROW JR, the Petitioner in this Action who demands to impress upon this Honorable Supreme Court of these United States of the pertinacious and obstinate facts that his honest intentions in this Cause of Action is only for the purpose of obtaining a Fair and Speedy administration of Justice.

I Hereby Certify this 29th day of July, 1989 that I did furnish a true copy of the foregoing instrument to; John S Miller, 1323 Wine-

wood Blvd, Building One, Suite 407,

Tallahassee, Florida 32399-0700

Counsel for N.G. Lund et al.

John G Barrow

JOHN G BARROW JR

ACKNOWLEDGMENT FOR PERSONS

STATE OF FLORIDA
COUNTY OF NASSAU

Before me personally appeared JOHN G BARROW Jr to me well known and known to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS My Hand and Official Seal this 29th day of July, A.D. 1989.

Alma M. Barrow

ALMA M BARROW
Notary Public
State of Florida

My Commission expires

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES: NOV. 20, 1992
BONDED THRU NOTARY PUBLIC UNDERWRITERS

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